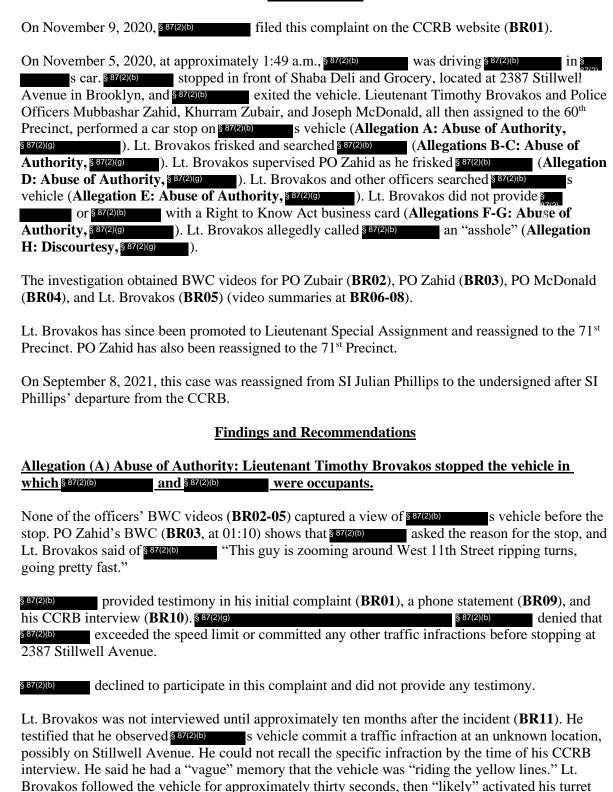
## CCRB INVESTIGATIVE RECOMMENDATION

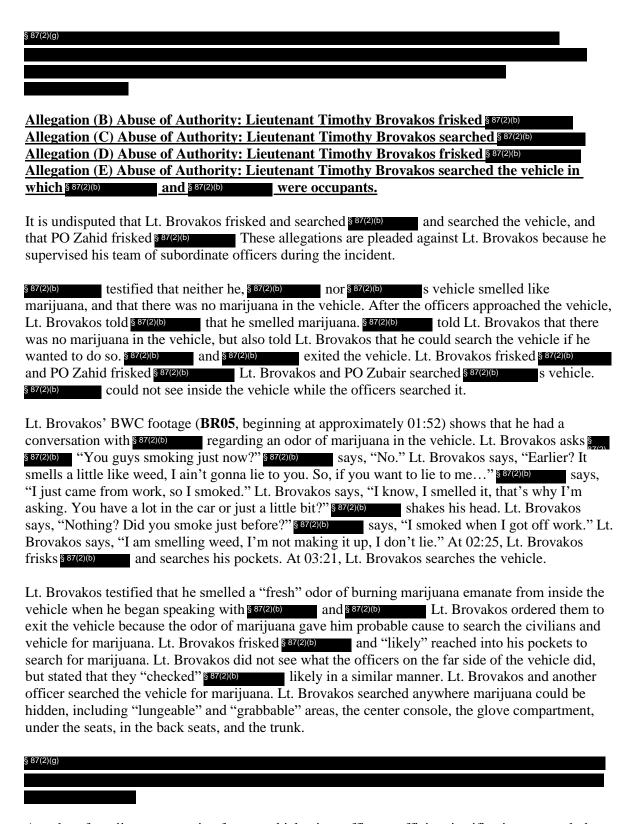
Investigator:		Team:	CCRB Case #:		Force	<b>V</b>	Discourt.	U.S.
Katherine White		Squad #5	202007423	Ø	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	F	Precinct:	18	Mo. SOL	EO SOL
Thursday, 11/05/2020 1:49 AM		in front of 2387 Stillwe Deli & Grocery)	ell Avenue (Shaba		60	5	5/5/2022	5/5/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Rece	eived at CC	RB
Mon, 11/09/2020 6:53 PM		CCRB	On-line website		Mon, 11/0	9/202	20 6:53 PM	I
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. LT Timothy Brovakos	00000	943025	060 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Mubbashar Zahid	03267	965634	060 PCT					
2. POM Khurram Zubair	24264	962891	060 PCT					
3. POM Joseph Mcdonald	03493	964642	060 PCT					
Officer(s)	Allegatio	on			Inve	stiga	tor Recor	nmendation
A.LT Timothy Brovakos	Abuse: L which § 87	ieutenant Timothy Brov (2)(b) and § 87(2)(b)	wakos stopped the ve					
B.LT Timothy Brovakos	Abuse: L	ieutenant Timothy Brov	akos frisked § 87(2)(b)					
C.LT Timothy Brovakos	Abuse: L	ieutenant Timothy Brov	vakos searched § 87(2)					
D.LT Timothy Brovakos	Abuse: L	ieutenant Timothy Brov	vakos frisked (8 87(2)					
E.LT Timothy Brovakos	Abuse: L which § 87	ieutenant Timothy Brov (2)(b) and § 87(2)(b						
F.LT Timothy Brovakos	Abuse: L § 87(2)(b)	ieutenant Timothy Brov with a business c		de				
G.LT Timothy Brovakos	Abuse: L § 87(2)(b)	ieutenant Timothy Brov with a business ca		de				
H.LT Timothy Brovakos		esy: Lieutenant Timothy ously to <sup>§ 87(2)(b)</sup>	Brovakos spoke					

## **Case Summary**



lights to pull the vehicle over. Lt. Brovakos testified that he did not issue a summons for the traffic

infraction because he used his discretion.



An odor of marijuana emanating from a vehicle gives officers sufficient justification to search the vehicle and its occupants. *People v. Chestnut*, 43 A.D.2d 260 (1974) (**BR12**).

§ 87(2)(g

§ 87(2)(g)
Allegation (F) Abuse of Authority: Lieutenant Timothy Brovakos failed to provide 887(2)(b) with a business card.  Allegation (G) Abuse of Authority: Lieutenant Timothy Brovakos failed to provide 887(2)(b)
with a business card.
It is undisputed that Lt. Brovakos did not offer a business card to \$87(2)(5) or \$87(2)(5) and did not direct any of his subordinate officers to do so.
Lt. Brovakos testified that he did not offer \$87(2)(b) or \$87(2)(b) a business card because he had probable cause to search both the vehicle and its passengers due to the smell of marijuana. Lt. Brovakos testified that his understanding of the Patrol Guide was that he was not required to offer a business card during an incident where he had probable cause. Lt. Brovakos did not have any other reason for not offering a business card. Neither civilian asked for a business card.
NYC Administrative Code § 14-174 ( <b>BR17</b> ) and <u>Patrol Guide Procedure 203-09</u> ( <b>BR13</b> ) require that an officer must provide a business card to any civilian whom he stops, frisks, or searches, unless the interaction results in a summons or arrest. Officers must also offer business cards if they search a vehicle in an incident which does not result in a summons or arrest.
§ 87(2)(g)
Allegation (H) Discourtesy: Lieutenant Timothy Brovakos spoke discourteously to [887(2)(6)]
testified in his phone statement that, at the end of the incident, Lt. Brovakos informed him and \$87(2)(b) that he would be giving them "a break." Lt. Brovakos then told \$87(2)(b) "Don't be an asshole." In his interview, \$87(2)(b) again stated that Lt. Brovakos called him an "asshole."
The collected BWC footage from all four officers ( <b>BR02-05</b> ) does not capture Lt. Brovakos calling an "asshole" at any point during the incident. Lt. Brovakos' BWC footage ( <b>BR05</b> , at 07:55) captures the end of the incident. It shows that he did tell §87(2)(b) and §87(2)(b) "Alright, man, we're gonna cut you a break tonight." replied, "Appreciate that." Lt. Brovakos said, "Alright. Thanks for acting like a gentleman, alright," and then got back into his vehicle.

Lt. Brovakos testified that he did not recall calling either civilian an "asshole," and stated that it was "highly unlikely" and "close to impossible" that he had done so, as he rarely uses such language in his personal or professional life and had reviewed the body worn camera footage and had not heard this.

Civilian a	and Officer CCRB Histories	
	CRB complaints and has been name	ed as a victim in nine
allegations (BR14):	1	
§ 87(2)(b)		
Lt. Brovakos has been a member of the N	NYPD for 15 years and has been a s	subject in 20 CCRB
complaints and 46 allegations, of which		subject in 20 Cereb
o 201500206 involved a substantiated		st Lt. Brovakos. Th
Board recommended Command Disc		
o 201905132 involved a substantiated		
Board recommended Command-Lev		
<ul> <li>201910398 involved substantiated al business card against Lt. Brovakos.</li> </ul>		
NYPD has not yet imposed disciplin		a Discipline A. The
o In addition, LT Brovakos is a subject		ns, filed after this
complaint, all but two of which are s	till open. The two closed cases hav	e no substantiated
allegations.		
S 87(2)(b)		
⊙ § 87(2)(g)		
0 3 0 ( <del>2</del> /19)		
<b>Mediation</b>	n, Civil, and Criminal Histories	
declined to mediate this	complaint.	
As of May 4, $\overline{2021}$ , the New York City 0	<u>*</u>	cord of a Notice of
Claim being filed regarding this complai	nt ( <b>BR15</b> ).	
§ 87(2)(b), § 87(2)(c)		
Squad: <u>5</u>		
Local Control IVVI	INIX/12 4	E-1 1 200
Investigator: KW	INV Katherine White Print Title & Name	February 1, 202
	FILL THE AVINABLE	Data
Signature	Time Title & Ivaine	Date
-		
Signature  Squad Leader: <u>Daniel Giansante</u> Signature	IM Daniel Giansante Print Title & Name	Date February 1, 20 Date
Squad Leader: <u>Daniel Giansante</u>	IM Daniel Giansante	February 1, 2
Squad Leader: <u>Daniel Giansante</u>	IM Daniel Giansante	February 1, 20